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COMMITTEE ON THE RIGHTS OF THE CHILD

First session

SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 15 October 1991, at 3 p.m.

Chairman: Mrs. BADRAN

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The meeting was called to order at 3.20 p.m.

ADOPTION OF THE RULES OF PROCEDURE OF THE COMMITTEE (agenda item 4) (continued) (CRC/C/L.1)

Rule 37 (Distributionn of official documents)

1. Mr. HAMMARBERG, read out the following new version of paragraph 2, which the Committee had asked him to redraft:

> "Reports and information furnished to the Committee by the specialized agencies, the United Nations Children's Fund or other United Nations organs and competent bodies pursuant to article 45, subparagraph (a), of the Convention and to rule 70 shall be distributed by the secretariat to all members of the Committee and, as may be decided by the Committee, to members of its subsidiary bodies, States parties concerned and other parties present at the meeting. Such reports and information shall normally be made available in the original languages in which they are submitted, unless otherwise decided by the Committee or its Chairperson".

That wording was intended mainly to enable the Chairman to decide between sessions whether a given document of interest to the Committee should be translated.

2. Mr. KOLOSOV said that that initiative was welcome, even if cases in which the Committee was itself unable to decide on the documents to be translated were very few.

3. Mrs. EUFEMIO wondered whether it might not be simpler, provided no additional costs were entailed, to leave the secretariat to decide the language in which a given document emanating from a specialized agency should be drafted.

4. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that, while the secretariat could indeed ask a specialized agency to submit a document in a given language, the final decision was up to the specialized agency.

5. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee adopted the new wording of rule 37 proposed by Mr. Hammarberg.

6. Rule 37, as amended, was adopted.

7. The CHAIRMAN said that the Committee had adopted all its rules of procedure and had thus concluded its consideration of agenda item 4.

8. The rules of procedure of the Committee, as amended in second reading, were adopted.

MATTERS RELATING TO THE COMMITTEE'S METHODS OF WORK IN RESPECT OF THE CONSIDERATION OF REPORTS TO BE SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 44 OF THE CONVENTION (agenda item 7) (continued) (CRC/C/L.2)

9. The CHAIRMAN invited the Committee to resume consideration of the informal text of draft general guidelines, as amended by the drafting group, of which some paragraphs had been left pending.

Paragraph 3

10. Mr. HAMMARBERG, speaking on behalf of the drafting group, read out the following new wording of paragraph 3:

> "The Committee believes that the process of preparing a report for submission to the Committee offers an important occasion for conducting a comprehensive review of the various measures undertaken to harmonize national law and policy with the Convention and to monitor progress made in the enjoyment of the rights set forth in the Convention. Additionally, the process should be one that encourages and facilitates popular participation and public scrutiny of government policies."

11. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee wished to adopt the new wording of paragraph 3.

12. Paragraph 3, as amended, was adopted.

Paragraph 23

13. Mrs. BELEMBAOGO proposed replacing the words "children in prison" in subparagraph (b) (ii) by "detained children", which covered more situations of deprivation of liberty.

14. Mr. KOLOSOV said that, in some countries, including his own, detention, which could be temporary, was a less specific concept than that of imprisonment, which was always the result of a judicial decision. Consequently, the word seemed too vague.

15. Mrs. BELEMBAOGO said that what the Committee was concerned with was precisely the situation of detained children, in the broad sense, whether they had been sentenced to terms of imprisonment or not.

16. Miss MASON proposed reverting to the three expressions originally agreed on by the Committee, namely "imprisoned children", "detained children" and "children under arrest", which covered all situations of deprivation of liberty.

17. Mr. KOLOSOV supported that proposal and asked what was the difference in English between "in gaol" and "in prison".

18. Miss MASON said that, in most English-speaking countries, the two terms were synonymous but that, in the United States "gaol" denoted, in particular, pre-trial detention.

19. Mr. HAMMARBERG agreed that it would be desirable to itemize the information requested and to find a wording which prompted Governments to provide information on all types and places of detention (reformatories, detention with adults, etc.). It would be ideal if the Committee could ask the Vienna Committee on Crime Prevention and Control for clarification.

20. Mrs. EUFEMIO said that, like Miss Mason, she would prefer the Committee to revert to the original wording. It could then ask States parties for clarification, depending on the terminology used in their initial report to describe the situation of children deprived of their liberty.

21. Mrs. BELEMBAOGO said that, in the final analysis, the expression "children detained in prison institutions" would cover all the situations referred to by previous speakers and all forms of deprivation of liberty dealt with under article 37. Once again, everything depended on the type of information which the Committee wished to obtain.

22. The CHAIRMAN recalled that the Committee had identified four forms of deprivation of liberty: arrest, detention following arrest, imprisonment and placement in an establishment for physical and psychological recovery and social reintegration, and that its intention in paragraph 23 was to request States parties to provide information on those items under articles 37 and 39 of the Convention.

23. Mr. HAMMARBERG said that States parties would refer to the provisions of the Convention in preparing the relevant parts of their reports. Consequently, for greater clarity, the Committee, in listing item in its guidelines, should follow the article-by-article breakdown of questions and ensure that the content of each article was properly reflected. As article 37 dealt with torture and the deprivation of liberty in three forms - arrest, detention and imprisonment - subparagraph (b) (ii) could be worded to read: "Treatment of children deprived of their liberty, in particular children under arrest, detention or imprisonment." The placement of children in institutions for physical and psychological recovery and social reintegration, which came under article 39, should be dealt with under a separate item.

24. The CHAIRMAN suggested adding the following item (iii) to subparagraph (b): "(iii) Placement of children in institutions for physical and psychological recovery and social reintegration."

25. Mrs. EUFEMIO wondered whether it might not be preferable to refer to placement in such institutions under (c), which would then read: "(c) Children in situations of exploitation, including physical and psychological recovery and social reintegration", or even to refer to it in the title of subparagraphs (a) and (b). The Committee would then obtain more systematic and detailed information on the question from the standpoint of the various situations referred to in the first three subparagraphs of paragraph 23.

26. The CHAIRMAN said that she understood the Committee to have a preference for the suggestion which she herself had made. She asked for the views of members on the wording of subparagraph (b) (ii) proposed by Mr. Hammarberg.

27. Mrs. BELEMBAOGO said that, while there was some justification for the wording proposed by Mr. Hammarberg, she was concerned that it would not enable the Committee to obtain accurate information on the situation. There were, for example, cases such as short-term detention following police raids in which children were caught, or identity checking operations, for which countries generally kept no statistics.

28. Mrs. EUFEMIO recalled that State parties would be called on to inform the Committee of difficulties encountered in implementing the Convention, such as the lack of statistics on a particular aspect of the situation.

29. Mr. KOLOSOV said that, under the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by the General Assembly at its forty-fifth session (resolution 45/113, annex) deprivation of liberty covered all forms of detention, imprisonment or placement of an individual in an institution, at the order of a judicial, administrative or other authority, including being placed under arrest or in custody awaiting trial. As States parties would refer to those rules, it was unnecessary to try to list absolutely all possible forms of detention on which the Committee might wish to receive information and it would be better for the Committee to use the terminology of those rules as far as possible, particularly since article 37 dealt only briefly with the question. Consequently, he proposed the following wording for subparagraph (b) (ii):

> "(ii) Treatment of children deprived of their liberty, including in any form of detention, imprisonment or placement in custodial settings (article 37)."

30. The CHAIRMAN said that she took that wording to be generally acceptable.

31. Miss MASON drew attention to subparagraph (c) (iii), which referred to sexual exploitation and proposed the inclusion of sexual abuse. Article 34 of the Convention, to which the Committee referred under that item, mentioned both concepts, which were significantly different. The subparagraph would then read: "(iii) Sexual exploitation and sexual abuse (article 34)".

32. The CHAIRMAN said that she took it that the Committee adopted that proposal. She read out subparagraph (b), incorporating Mr. Kolosov's amendments to item (ii) and her own amendments to item (iii), as well as subparagraph (c), incorporating Miss Mason's amendments to item (iii). She took it that the Committee adopted paragraph 23 (b) and (c), as amended.

33. It was so decided.

34. Paragraph 23 of the draft guidelines revised by the drafting group, as amended, was adopted.

35. Mr. HAMMARBERG drew attention to paragraph 13 (d). In his view, the wording proposed by the drafting group did not accurately reflect the scope of

article 12, to which it referred and which was really concerned with respecting the views of the child. Consequently, he proposed the following wording:

"(d) Respect for the views of the child (article 12)".

36. The CHAIRMAN said that she took it that the Committee adopted that proposal.

37. Paragraph 13 of the draft guidelines revised by the drafting group, as amended, was adopted.

38. The CHAIRMAN said that a similar amendment should also be made to paragraph 16.

39. Paragraph 16 of the draft guidelines revised by the drafting group, as amended, was adopted.

40. Mr. MILJETEIG-OLSSEN (United Nations Children's Fund), referring to the possibility of overlapping between reports on similar questions submitted by States under the various international instruments to which they were parties, said that the Committee on Economic, Social and Cultural Rights, in order to reduce the burden of preparing such reports, simply asked Governments to refer to the documents in which the information requested already appeared. The problem also arose for bodies such as UNICEF, which had to prepare progress reports on the achievement of goals set at the World Summit for Children, in which the Committee would find much of the information requested in its draft general guidelines. Perhaps the Committee could indicate more clearly in the draft whether reference should be made to reports prepared as follow-up to the Summit or under other international instruments proclaiming rights also covered by the Convention on the Rights of the Child.

41. Mr. KOLOSOV said that, there was actually no real danger of reports overlapping, since States seldom submitted two or three reports to various monitoring bodies in any one year. Moreover, as the situation with regard to the questions to be considered under the Convention was continually changing, it was highly likely that the facts and figures on the situation of children included in one report would be out of date a few years later when another report was prepared. Furthermore, the Committee would welcome any information from other monitoring bodies and United Nations agencies which enabled it to follow the development of the situation on the basis of periodic reports and other sources of information.

42. Mrs. BELEMBAOGO noted that the draft guidelines concerned the initial reports to be submitted by States parties and that it was in the Committee's interest to have a first report which was as full as possible. That did not preclude the adoption of the suggestion made by the representative of UNICEF in respect of subsequent periodic reports.

43. The CHAIRMAN said that the Committee had concluded its consideration of the draft general guidelines for initial reports and its adoption of their provisions.

44. The draft general guidelines on the form and content of initial reports to be submitted by States parties under article 44 of the Convention, issued as document CRC/C/L.2, as revised by the drafting group and amended by members of the Committee, were adopted.

The meeting was suspended at 4.30 p.m. and resumed at 5.10 p.m.

OTHER MATTERS (agenda item 11) (continued)

45. The CHAIRMAN invited members of the Committee to make suggestions on matters, other than the 1993 World Conference on Human Rights and preparations for it, which the Committee could take up in connection with agenda item 11.

46. Mr. HAMMARBERG said that it would be helpful to have information on the projected press conference. He also proposed that the Committee should hold an exchange of views on the general communication to be submitted to the General Assembly regarding possible additional financing for 1992.

47. Mr. KOLOSOV also proposed that the Committee should hold a preliminary discussion on its methods of work on the basis of the note prepared by Mr. Hammarberg.

48. The CHAIRMAN suggested that the Committee should first take up the question of the press conference, then the communication to be submitted to the General Assembly, thirdly the Committee's methods of work and finally the preparations for the 1993 World Conference on Human Rights.

Press conference of the Committee

49. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) explained that the press conference would be organized by the Information Service and would be held at 3 p.m. on Thursday, 17 October. All journalists accredited to the United Nations Office at Geneva would be invited. In accordance with standard practice, the Chairman and Rapporteur of the Committee and, possibly other members, would make statements on the Committee's work before answering journalists' questions. No press release or written statement was normally issued to participants prior to a press conference. However, there was nothing to prevent the Committee from doing so if it wished.

50. Following an exchange of views between Mr. HAMMARBERG, Mr. KOLOSOV, Mrs. KLEIN-BIDMON (Representative of the Secretary-General), Mrs. EUFEMIO and Mr. HILJETEIG-OLSSEN (United Nations Children's Fund) on the organization of the press conference and the content of the message to be transmitted by the Committee through the media, the CHAIRMAN, summing up the debate, said that all members of the Committee should attend the press conference but that, under normal circumstances, only the Chairman or Rapporteur would speak. The Committee should also draft a message for the press and the public at large emphasizing various aspects of its work, in particular the two main principles which it intended to observe - respect for the views of the child and consideration of the higher interest of the child - and the role which States parties, specialized agencies, United Nations bodies and non-governmental

organizations could play in promoting the Convention. He suggested that the drafting of the text should be left to Miss Mason, Mrs. Belembaogo and Mr. Hammarberg.

51. It was so decided.

Communication to be submitted to the General Assembly

52. Mr. HAMMARBERG recalled that it had been suggested that the Committee should send to the Fifth Committee of the General Assembly a communication summarizing the report of its first session and stressing the need, in view of its expected heavy workload, for sufficient resources to be made available for additional meetings. It was likely that the Committee would sometimes be obliged to extend a session or hold an additional session, a fact which the Fifth Committee should bear in mind in its deliberations. It would also be as well for the Committee to make contact unofficially with diplomatic missions in order to ensure that Governments understood the reasons behind its request to the General Assembly and thus obtain a positive response from the delegations of States parties when the matter was considered by the Fifth Committee. He suggested that the Chairman should coordinate those efforts.

53. Mr. KOLOSOV said that the request for resources should be made in the Committee's report, the relevant paragraphs of which could, after adoption, be sent directly to the Fifth Committee with a covering letter. He also wondered whether the Chairman or the Rapporteur, or both, could be present at the General Assembly when the matter was taken up, so as to be able to approach delegations directly.

54. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that the Chairman or Rapporteur could address the Third Committee of the General Assembly when the Committee's report was being considered only if officially invited to do so. Thus far, for reasons unknown, no chairman of any other human rights body had managed to obtain such an invitation. The Chairman or Rapporteur could, of course, attend meetings of the Third Committee unofficially if they so wished.

55. Mr. KOLOSOV asked whether the Committee might ask Mr. Martensen to look into the question.

56. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that she would take the matter up with Mr. Martensen and with Headquarters.

57. Mr. HAMMARBERG pointed out that the Committee must address its request to the Fifth Committee, which dealt with budgetary questions and which was highly unlikely to invite the Committee to participate in its work. Mr. Kolosov was probably referring to lobbying, although it was rather difficult to obtain anything in that way. It would be best to contact members of diplomatic missions in Geneva to request them to pass on the message to their counterparts in New York. The Committee should not behave as if it were looking for hand-outs; it had persuasive arguments on its side, and it was to be hoped that Governments would have the wisdom to hear them.

58. The CHAIRMAN said that she understood Mr. Hammarberg to propose that the Committee should enlist the aid of members of diplomatic missions to make its case before the Fifth Committee. Officially, the Committee would send the General Assembly a written communication containing relevant paragraphs of its report and asking for the allocation of the necessary budgetary resources to enable it to properly perform its functions in 1992. The communication would be accompanied by a covering letter giving the reasons for that request. If she heard no objection, she would take it that the Committee adopted that proposal.

59. It was so decided.

The meeting rose at 6 p.m.